

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
San Antonio Division**

JOHN P. JOHNSON,)
Plaintiff,)
)
v.) Civil Action No.: 5:15-cv-0024-RP
)
PORTFOLIO RECOVERY)
ASSOCIATES, LLC,)
Defendant.)

**DEFENDANT'S NOTICE TO THE COURT REGARDING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

COMES NOW Defendant Portfolio Recovery Associates, LLC (“PRA”), by and through counsel, and files its Notice to the Court Regarding Defendant’s Motion for Summary Judgment, and would show unto the Court as follows:

1. Plaintiff filed his Original Complaint in this case on January 9, 2015. Doc. 1. PRA filed its Motion for Summary Judgment (“MSJ”) based on Plaintiff’s Original Complaint on July 16, 2015. Doc. 16. Plaintiff was granted leave and filed his First Amended Complaint on September 14, 2015. Doc. 36. Plaintiff’s First Amended Complaint added two (2) additional claims under the Telephone Consumer Protection Act (“TCPA”). *Id.*
2. Shortly after filing his First Amended Complaint, Plaintiff filed a Motion to Dismiss his TCPA claims on October 5, 2015. Doc. 43. On October 30, 2015, Plaintiff filed his Second Amended Complaint that no longer alleges causes of action under the TCPA. Doc. 54. Plaintiff’s First and Second Amended Complaints effectively nullify each other as the Second Amended removes all additional factual allegations and causes of action advanced in the First Amended. Plaintiff’s Second Amended Complaint is essentially an exact duplicate of his Original Complaint.

3. As such, PRA adopts its Motion for Summary Judgment in its entirety against Plaintiff's Second Amended Complaint. All arguments and references in PRA's MSJ correspond to the same page and paragraph numbers in Plaintiff's Second Amended Complaint. PRA now respectfully requests that this Court consider PRA's Motion for Summary Judgment against the causes of action contained in Plaintiff's Second Amended Complaint and make its ruling on the same.

Respectfully submitted,

ROBBIE MALONE, PLLC

/s/ Robbie Malone
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to Plaintiff via **CMRRR** and **1st Class U.S. Mail** on this 10th day of November, 2015.

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/s/ Robbie Malone
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